

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

PENNSYLVANIA NATIONAL)
MUTUAL INSURANCE COMPANY)
)
Plaintiff,)
)
vs.) CV-08-J-0635-S
)
HANNA STEEL CORPORATION, et al.)
)
Defendants.)

**EVIDENTIARY SUBMISSION IN SUPPORT OF RESPONSE TO
AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY'S
MOTION FOR SUMMARY JUDGMENT**

Comes now defendant Hanna Steel Corporation and submits the following evidence in support of its Response to American Manufacturers Mutual Insurance Company's Motion for Summary Judgment filed concurrently herewith:

Exhibit A: Affidavit of Randall S. Raiford.

Exhibit B: Affidavit of David K. Pharr.

Respectfully submitted November 12, 2008.

/s/ David K. Pharr

One of the Attorneys for
Hanna Steel Corporation

OF COUNSEL:

David Hymer
Joel M. Kuehnert
Sarah L. Nichols
Bradley Arant Rose & White LLP
One Federal Place
1819 Fifth Avenue North
Birmingham, AL 35203-2104
Telephone: (205) 521-8000
Facsimile: (205) 521-8800
dhymer@bradleyarant.com
jkuehnert@bradleyarant.com
snichols@bradleyarant.com

David K. Pharr
Bradley Arant Rose & White LLP
188 E. Capitol Street, Suite 450
Jackson, MS 39201
Telephone: (601) 592-9924
Facsimile: (601) 592-1424
dpharr@bradleyarant.com

CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following to all counsel of record:

s/ David K. Pharr

Exhibit A

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

PENNSYLVANIA NATIONAL)
MUTUAL INSURANCE COMPANY)
Plaintiff,) JURY TRIAL DEMANDED
vs.) CV-08-J-0635-S
HANNA STEEL CORPORATION, et al.)
Defendants.)

AFFIDAVIT OF RANDALL S. RAIFORD

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, Randall S. Raiford, being duly sworn, deposes and says:

1. I am over the age of 18 and competent to make this Affidavit in all respects.
2. I am the CFO of Hanna Steel Corporation.
3. Hanna Steel coats and cuts steel for use in fabricated steel buildings. At least one of the other defendants in the Underlying Lawsuits has purchased Hanna Steel's processed steel for use as purlins in their pre-fabricated steel buildings.

I declare under penalty of perjury that the foregoing is true and correct.

Randall Raiford

Sworn to and subscribed before me this 12 day of November, 2008.

Gan K. Bailey
NOTARY PUBLIC

8/3/2011

My Commission Expires

Exhibit B

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

PENNSYLVANIA NATIONAL)
MUTUAL INSURANCE COMPANY)
Plaintiff,)
v.) CV-08-J-0635-S
HANNA STEEL CORPORATION, et al.)
Defendants.)

AFFIDAVIT OF DAVID K. PHARR

COMES NOW David K. Pharr and makes the following declaration:

1. My name is David K. Pharr, and I am counsel of record for Hanna Steel Corporation (“Hanna Steel”) in the above-styled case. I am an adult, competent to testify under oath, and I have personal knowledge of the things stated in this declaration.

2. Pursuant to this Court’s Scheduling Order, discovery is currently in progress. Initial disclosures have been exchanged. Hanna Steel has served paper discovery on AMMIC, but no depositions have been taken, and expert discovery has not begun. The discovery deadlines reflected in this Court’s Scheduling Order are several months away.

3. American Manufacturers Mutual Insurance Company (AMMIC) makes certain averments in support of its Motion for Summary Judgment regarding which Hanna Steel has yet to obtain discovery. AMMIC makes various assertions regarding the applicability of the pollution exclusion. More specifically, AMMIC avers that the products related claim in the Underlying Lawsuits is excluded by the pollution exclusion. Hanna Steel located publicly available references to admissions by AMMIC that would contradict those assertions and has requested those statements in discovery.

4. Until Hanna Steel has the opportunity for additional discovery into the history and scope of the pollution exclusion, including taking depositions of representatives of AMMIC, evidentiary matter necessary to respond to or refute AMMIC's averments is currently unavailable.

5. Discovery concerning the history and scope of the pollution exclusion will, among other things, afford Hanna Steel the opportunity to obtain factual information indicating whether the pollution exclusion was intended to apply to off-site discharges outside the waste disposal context.

6. Hanna Steel has served paper discovery and intends to take depositions of representatives of AMMIC in accordance with this Court's Scheduling Order.

7. In accordance with 28 U.S.C. § 1746, I hereby verify and state under penalty of perjury that the foregoing is true and correct.

Executed by me this 12th day of November, 2008.



David K. Pharr